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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CHIQUITA FRESH, N.A., L.L.C.

Plaintiff

v.

SAMMY'S PRODUCE, INC., et al

Defendants

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Civil Action No: 08-CV714 JLS(POR)

**APPLICATION FOR  
PRELIMINARY INJUNCTION**

Upon the verified affidavit of the representative of the plaintiff, and the accompanying memorandum in support, plaintiff hereby applies to the Court to issue a preliminary injunction under Rule 65(b) of the Federal Rules of Civil Procedure enforcing the statutory trust pursuant to Section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. §499e(c), by restraining the transfer of any and all trust assets of Sammy's

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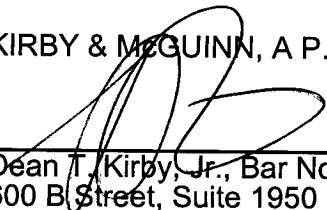
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1 Produce, Inc., except for any payment to plaintiff until there is full payment to plaintiff of  
2 \$73,545.90, pending the final outcome of this action.

3 Dated this 17<sup>th</sup> day of April, 2008  
4

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18 Attorneys for Plaintiff  
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